

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION**

**IN RE: DIGITEK PRODUCT LIABILITY  
LITIGATION**

**MDL NO. 1968**

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**THIS DOCUMENT RELATES TO ALL CASES**

**DEFENDANTS' MOTION REGARDING PRODUCTION OF MEDICAL AND  
PHARMACY RECORDS**

Defendants Actavis Totowa LLC, Actavis Inc., and Actavis Elizabeth LLC ("Defendants") respectfully move this Court to enter the accompanying order regarding production of medical and pharmacy records.

Defendants represent that the parties are experiencing difficulties in obtaining pertinent medical and pharmacy records for decedents in cases in which no personal representative has been appointed. In some states an estate or legally appointed representative is not required in order to pursue a wrongful death case. Yet medical providers typically insist on such representation for fear of violating HIPAA.

To facilitate the orderly and cost-effective acquisition of relevant information, Defendants request that the Court enter the accompanying proposed order. We have conferred with Plaintiffs' counsel regarding this proposed order; they have no objection.

Defendants will not file a brief in support of this Motion.

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 5, 2009, a copy of the foregoing Motion Regarding Production of Medical and Pharmacy Records was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

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